

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

RONALD P. BROOM
5640 FALLINGBARK DR
MEMPHIS TN. 38134
(Name of plaintiff or plaintiffs)

v.

CIVIL ACTION NO. _____

MARKET PLACE HOLDING INC
COLLIS FOODS INC. DBA Waffle House
1021 CAMBRIDGE SQUARE
ALPHARETTA GA 30201
(Name of defendant or defendants)

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff, RONALD P. BROOM
(name of plaintiff)

is a citizen of the United States and resides at 5640 FALLINGBARK DR
(street address)

Memphis Shelby TN.
(city) (country) (state)

38134 901-2529310 or 901-8591037
(zip code) (telephone number)

MARKETPLACE HOLDING INC

3. Defendant Collisfoods INC. DBA Waffle House
(defendant's name)lives at, or its business is located at 1021 Cambridge Square
(street address)
Alpharetta GA 302014. Plaintiff sought employment from the defendant or was employed by the defendant at
Waffle House @ 1550 Sycamore View Road
(street address)Memphis Shelby TN 38134
(city) (country) (state) (zip code)5. Defendant discriminated against plaintiff in the manner indicated in paragraph 9 of this complaint on or about 07 05 2007

(day) (month) (year)

6. Defendant filed charges against the defendant with the Tennessee Fair Employment Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about 07 07 2007

(day) (month) (year)

7. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about 05 07 2007

(day) (month) (year)

8. The Equal Employment Opportunity Commission issued a Notice of Right to Sue, which was received by plaintiff on 26 09 2008. (Attach a copy of the notice to this complaint.)
(day) (month) (year)9. Because of plaintiff's (1) / race, (2) color, (3) / sex, (4) religion,
(5) national origin, defendant(a) failed to employ plaintiff.(b) / terminated plaintiff's employment.(c) failed to promote plaintiff.(d) Retaliation, Disability

10. The circumstances under which defendant discriminated against plaintiff were as follows: harassment included two female co workers constantly touching and rubbing against me, Race saying there will be no black N----- telling me what to do we will get rid of this black A----- no matter what it take my wife is a District Manager for same company 3 yrs my two girls oldest 22 5 yrs the other 18 1 yr with wife house

11. The acts set forth in paragraph 9 of this complaint

- (a) ☐ are still being committed by defendant.
- (b) ☐ are no longer being committed by defendant.
- (c) ☒ may still be being committed by defendant.

12. Please attach to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission, which are submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, Plaintiff prays that the Court grant the following relief to the plaintiff:

- (a) ☐ Defendant be directed to employ plaintiff, or
- (b) ☐ Defendant be directed to re-employ plaintiff, or
- (c) ☐ Defendant be directed to promote plaintiff, or;
- (d) ☐ Defendant be directed to BACK PAY from 6-13-07 to date plus PAIN and Suffering

and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees. yes

13. I would like to have my case tried by a jury. Yes (☒) No (☐)

Donald P. Brown
SIGNATURE OF PLAINTIFF

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Ronald P. Broom**
5640 Falling Bark Drive
Memphis, TN 38134

From: **Memphis District Office**
1407 Union Avenue
Suite 901
Memphis, TN 38104



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

490-2007-02693

Demetrica L. Seymour,
Investigator

(901) 544-0158

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Enclosures(s)

On behalf of the Commission



Katharine W. Koros,
Director

SEP 26 2008

(Date Mailed)

cc: **Joe E. Manuel**
Attorney At Law
240 Forest Avenue, Suite 301
Chattanooga, TN 37405

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

490-2007-02693

Tennessee Human Rights Commission

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Ronald P. Broom

901 545 4252

Home Phone (incl. Area Code)

(901) 252-9310

Date of Birth

08-10-1954

Street Address

City, State and ZIP Code

5640 Falling Bark Drive, Memphis, TN 38134

MAIN 167 Feb 10 06

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

WAFFLE HOUSE

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(901) 377-9923

Street Address

City, State and ZIP Code

1550 Sycamore View Road, Memphis, TN 38134

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

800 669 3362

DISCRIMINATION BASED ON (Check appropriate box(es).)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

☒ RACE☐ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN

05-07-2007

06-13-2007

☒ RETALIATION☐ AGE☒ DISABILITY☐ OTHER (Specify below.)☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

On or about June 13, 2007, I was discharged from my position as a Manager by the above named company. I had been employed with the company since October of 1996. Prior to my discharge, I was sexually harassed by two of my female co-workers from about May 7, 2007, to about June 11, 2007. The harassment included constantly touching me on my hips and rubbing up against me. I wrote an internal complaint to the Regional Manager and the District Manager about the sexual harassment and race discrimination in May of 2007. Christine Witlock is the Regional Manager and Dave Peddington is the District Manager. I was informed that I was being discharged for violation of company rules and policies. However, my separation notice does not state any specifics. I was under doctor's care at the time of my discharge. I was the only Black Manager working in my unit.

I believe that I have been discriminated against because of race, (Black), sex, (male), disability, and in retaliation for complaining internally about practices I believe to be unlawful. I believe that the above is in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act of 1990, (ADA).

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Ronald P. Broom
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(month, day, year)

Jul 03, 2007

Date

Charging Party Signature

07/03/07 Brenda R. Johnson

